

Brunei | Freedom House

POLITICAL RIGHTS: 7 / 40 (+1)

A. ELECTORAL PROCESS: 0 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

The hereditary sultan, Hassanal Bolkiah Mu'izzaddin Waddaulah, is the head of state and prime minister, and continues to wield broad powers under a long-standing state of emergency imposed in 1984.

In recent years, Brunei has appeared to be paving the way for Hassanal's son, Prince Al-Muhtadee Billah, to eventually take power. There are no indications that any transition would also involve moving away from a traditional monarchy.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4

The unicameral Legislative Council has no political standing independent of the sultan, who appoints most members. Brunei has not held direct legislative elections since 1962.

Elections are held for village-level councils that play a consultative role, though candidates are vetted by the government.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4

There are no national-level electoral laws, since there have not been any national, direct legislative elections in over five decades.

B. POLITICAL PLURALISM AND PARTICIPATION: 3 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 1 / 4

Genuine political activity by opposition groups remains extremely limited. The National Development Party (NDP) was permitted to register in 2005 after pledging to work as a partner with the government and swearing loyalty to the sultan; it is the only registered party.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

There are no national-level elections in which opposition forces could gain power. Since the National Solidarity Party was deregistered without explanation in 2008, the NDP has been Brunei's sole legal political party. It has no formal political role, few activities in practice, and a small membership, and is unable to challenge the sultan's power in any meaningful way.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 1 / 4

With the dominance of the sultan and lack of elections, residents have few avenues for genuine and autonomous political participation. However, people have some very limited ability to challenge unpopular policies through the organization of social movements.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

Ethnic and religious minorities have few opportunities for political participation, even on a local level. Village council candidates must be Muslim, and ministers and deputy ministers must be Muslim and Malay unless the sultan grants an exception.

C. FUNCTIONING OF GOVERNMENT: 4 / 12 (+1)

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4

None of Brunei's national-level policymakers are chosen through elections. The sultan wields broad powers, and is counseled by appointed advisory bodies and the appointed legislature.

C2. Are safeguards against official corruption strong and effective? 3 / 4 (+1)

In 2015, the government enacted amendments to the Prevention of Corruption Act, which strengthened the anticorruption framework by establishing new conflict of interest rules for public officials, among other provisions. The government claims to have a zero-tolerance policy on corruption, and its Anti-Corruption Bureau has successfully prosecuted a number of lower-level officials in recent years. In July 2018, two former judges were indicted for allegedly embezzling over \$7 million from a court's bankruptcy office. At year's end, the defendants awaited trial.

Score Change: The score improved from 2 to 3 due to the authorities' efforts to prosecute official corruption since 2015 reforms strengthened the legal framework for combating graft.

C3. Does the government operate with openness and transparency? 1 / 4

Although the appointed Legislative Council has no independent power, it formally

passes the state budget and engages in question-and-answer sessions with government officials. The council meets once each year for a session lasting approximately two weeks. However, in general there is little transparency in the operations of the Brunei government, and this lack of transparency is exacerbated by the country's lack of press freedom.

CIVIL LIBERTIES: 22 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 6 / 16

D1. Are there free and independent media? 1 / 4

Officials may close newspapers without cause and fine and imprison journalists for up to three years for reporting deemed "false and malicious." Brunei's only television station is state-run. The country's main English-language daily newspaper, the *Borneo Bulletin*, is controlled by the sultan's family and its journalists often practice self-censorship. Another former English-language newspaper, the *Brunei Times*, closed abruptly in 2016, allegedly after complaints from the Saudi embassy in Brunei over critical coverage of Saudi hajj policies. A new online outlet, the *Scoop*, which launched in late 2017, contains somewhat independent coverage of Brunei society and politics.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 1 / 4

The state religion is the Shafi'i school of Sunni Islam, but the constitution allows for the practice of other religions. Non-Shafi'i forms of Islam are actively discouraged, and marriage between Muslims and non-Muslims is not allowed. Muslims require permission from the Ministry of Religious Affairs to convert to other faiths. Christians are allowed to hold low-key Christmas celebrations inside churches or at homes, but not outdoors or at shopping malls.

In 2014, Brunei implemented new criminal regulations based on Sharia, which include limits on the use of certain words and expressions deemed to be sacred to Islam in reference to other religions. The new code also includes a ban on proselytizing of a religion other than Islam to Muslims or atheists, and requires Muslims to participate in fasts and other religious observances.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4

Academic freedom is respected to some extent, although institutions must seek approval from authorities to host visiting scholars, public lectures, and conferences. Scholars reportedly practice self-censorship or release their work under pseudonyms in overseas publications to avoid repercussions in Brunei.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 2 / 4

The government utilizes an informant system to monitor suspected dissidents, and

online communications are monitored for subversive content. In November 2018, a government employee, on trial for sedition over a 2017 Facebook post complaining about new government halal certification regulations, fled to Canada before a verdict was handed down. The defendant faced up to two years in prison. Nevertheless, Brunei has an active online discussion community, although there are reports of self-censorship online regarding issues related to the monarchy.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 3 / 12

E1. Is there freedom of assembly? 1 / 4

Long-standing state-of-emergency laws continue to restrict freedom of assembly. No more than 10 people can assemble for any purpose without a permit, and these laws are frequently enforced.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 1 / 4

Most nongovernmental organizations (NGOs) are professional or business groups, although a few work on issues related to social welfare. All groups must register, registration can be refused for any reason, and registered groups can be suspended.

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

The law guarantees the right to form and join a union, but the agreement that had permitted Brunei's only active union, the Brunei Oilfield Workers Union, is now expired. Strikes are illegal, and collective bargaining is not recognized.

F. RULE OF LAW: 6 / 16

F1. Is there an independent judiciary? 1 / 4

Brunei has a dual judicial system of secular and Sharia courts; all senior judges are appointed by the sultan. The courts appear to act independently when handling civil matters, and have yet to be tested in political cases.

F2. Does due process prevail in civil and criminal matters? 2 / 4

Civil and criminal law is based on English common law and is enforced in secular courts, while Sharia is enforced in Sharia courts. People detained under the Internal Security Act (ISA) lack due process rights including the presumption of innocence.

The country's controversial new penal code, based on Sharia, continued to be delayed; Brunei implemented the first phase of the new code in 2014 but has held off implementing phases two and three, which contain more severe penalties for violations, including amputations and death by stoning. However, a draft bill that could pave the way for implementation of the second phase was approved by the sultan in March 2018. The Sharia penal code includes rules that apply to non-Muslims as well as Muslims. Many of the new Sharia rules overlap with existing

provisions of the civil and criminal laws, but under the new Sharia code there are different sentences and burdens of proof.

The government only provides an attorney to indigent defendants in death penalty cases. To address this gap in access to justice, the Law Society of Brunei launched a pilot program for the country's first legal aid fund in August 2018, but attorneys are only provided to defendants who plead guilty.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

Phased amendments to the new Sharia code permit the death penalty for drug-related offenses and other, more serious offenses, but these amendments have not yet been enacted. Brunei retained the death penalty for crimes including drug trafficking before the new Sharia code was launched. However, only one person was known to be on death row in 2018, and no individual has been executed since 1957. Secular law allows for dozens of offenses to be punished by caning. Prison conditions generally meet international standards.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Brunei citizenship is inherited automatically from citizen fathers. Citizen mothers must complete an application to pass citizenship on to children born to a noncitizen father.

Thousands of stateless residents of Brunei, including longtime ethnic Chinese residents, are denied the full rights and benefits granted to citizens. Same-sex sexual activity is a crime, and the government does not offer lesbian, gay, bisexual, and transgender (LGBT) individuals protections against discrimination. The results of a study released in 2017 by the Women Graduates Association of Brunei Darussalam (PSW) found that more than half of the female respondents had faced sexual harassment at work.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS 7 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4

Freedom of movement is respected. All government employees, domestic and foreign, must apply for permission to travel abroad, but permission is easily obtained. Stateless children do not have free access to education and instead must apply to enroll in schools; if accepted they sometimes have to pay tuition not required of citizens.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Brunei citizens are able to own property and can establish businesses with relative ease, but protections for private property are not strong. State-linked firms dominate

many sectors of the economy and the government heavily subsidizes a number of industries. Islamic law generally disadvantages women in cases of inheritance.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

Islamic law generally disadvantages women in matters involving divorce and child custody. The new Sharia penal code criminalizes “indecent behavior” and enjoins women to dress “modestly.” There is no specific law against domestic violence, and although rape is a crime, spousal rape is not criminalized.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

There is no private-sector minimum wage in Brunei. Labor inspections are frequent, but are often aimed at identifying undocumented migrant workers.

Migrants who come to Brunei to serve as household workers are often coerced into involuntary servitude or debt bondage, and can be subject to varying forms of abuse. Workers who overstay visas are regularly imprisoned and, in some cases, caned. In 2018, the government took steps to crack down on employers who abuse their domestic workers. In July, a woman was found guilty of abusing an Indonesian domestic worker she employed, and sentenced to six years in prison.

According to the US State Department’s 2018 *Trafficking in Persons Report*, Brunei has made gains in combating trafficking, including by expanding protections for migrant workers and boosting the number of people served at its shelter. Despite this progress, the report noted that the government did not pursue any trafficking prosecutions between April 2017 and March 2018. In July, however, a court sentenced a Malaysian man to four years in prison for trafficking.